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GUIDANCE MEMORANDUM # 18-10

TO: Registered Scholarship Organizations
Registered Schools

FROM: Steve Canavero, Superintendent of Public Instruction 

SUBJECT: Guidance on Nevada Educational Choice Scholarship Program

This memorandum provides additional information about grants provided by scholarship organizations defined by NRS 388D.260. The allowable uses for such grants are set forth in NAC 385.6045(4).

NAC 385.6045(4) A grant provided by a scholarship organization: (a) May be used to pay for: (1) Tuition and fees to attend a registered private school, the cost of purchasing textbooks and other supplies and the cost of transportation to and from a registered private school; (2) If the public school, including, without limitation, a charter school, in which the pupil is enrolled does not provide transportation to the pupil, the cost of transportation to and from the public school; and (3) The cost of tuition-based programs offered by a public school, including, without limitation, distance education and dual credit courses. (b) May not be awarded on behalf of a homeschooled child or an opt-in child.

Transportation

Transportation to and from a registered private school and public schools that do not provide transportation to the pupil, including charter schools, is an allowable expense under NAC 385.6045(4). A grant received on behalf of a pupil from a scholarship organization to a public school, including a charter school, or registered private school to pay for transportation may, without limitation:

- Be paid to the parent or guardian of the pupil to reimburse the cost of transporting the student to and from school in a personal vehicle
- Be used by the school, with the approval of the parent or guardian, to purchase public transportation tickets to enable the pupil to get to and from school

- Be used by the school, with the approval of the parent or guardian, towards the cost of a school bus that provides transportation for the pupil to and from school, in compliance with all state and federal requirements regarding school buses.

No law or regulation prohibits a parent or guardian from applying for or receiving a grant for more than one pupil for the purpose of paying for the cost of transportation to and from a public school, including a charter school, or registered private school.

Grants may only be provided by a scholarship organization on behalf of a pupil to pay for transportation to and from a public school, including a charter school, if the school does *not provide transportation to the pupil*. A public school, including a charter school meets the definition of *not providing transportation to the pupil* if the school is not required by law, established school or district policy or, in the case of a charter school, the charter school contract to provide transportation to the pupil.

A scholarship organization that awards a grant to a pupil to pay for the cost of transportation to and from a public school, including a charter school, or a private school is responsible for establishing a consistent method to calculate the cost of transportation to and from the school. The calculation method may be based on:

- The type of transportation
- The actual driving distance between the pupil's home and the school
- The actual days of attendance for the pupil.

Transportation Examples

A district high school that has historically not provided transportation to general education students due to the fact that the majority of students live within walking distance adds a county-wide CTE or magnet program. The school could accept Choice Scholarship Program grant funds from eligible parents and families to cover the cost of transportation. With parent approval, the school could use the funds towards paying for a portion of a school bus that is used to transport students living beyond walking distance to and from school. Because this transportation is dependent on funds from the Choice Scholarship Program and not required by law, regulation or contract, the school does not meet the definition of "providing transportation to the pupil". Parents and families could continue to use Choice Scholarship Program funds in future years to cover the cost of transportation via a school bus.

Similarly, a charter school that is not required by contract to provide transportation to its students and has previously not provided transportation could accept Choice Scholarship Program grant funds to cover the cost of transportation. With parent approval, the school could use the funds to purchase public transportation passes for students to use to get to and from school. In the event that a parent wanted to drive the student to and from school, the school could instead use the funds to reimburse the parent for the cost of transportation. In either scenario, the transportation is depending on the funds from the Choice Scholarship Program and as long as transportation is not otherwise required by the charter contract or law or regulation, the school does not meet the definition of "providing transportation to the pupil." This means that parents and families can continue to use Choice Scholarship Program funds in future years to cover the cost of transportation.

Tuition-based Programs

The cost of tuition-based programs offered by a public school is an allowable expense under NAC 385.6045(4). A grant received on behalf of a pupil from a scholarship organization to a public school to pay for the cost of tuition-based programs may, without limitation:

- Be used to pay for the cost of enrolling the student in a distance learning program that is offered by the public school
- Be used to pay for the cost of enrolling the student in dual credit course(s).

A scholarship organization that awards a grant to a pupil to pay for the cost of tuition based programs offered by a public school must only award a grant based on the actual costs of the tuition-based program.

Regardless of what the grant is used for, a scholarship organization is responsible for establishing policies and procedures by which they issue payments to schools on behalf of pupils. These may include, but are not limited to:

- Documentation required to issue payment
- The timing and frequency of payments.